

April 6, 2016

VIA ELECTRONIC FILING

Honorable Joseph A. Dickson, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Building and U.S. Courthouse
50 Walnut Street, Courtroom MLK5D
Newark, New Jersey 07101

Re: Oliver et al. v. Funai Corp., Inc., No. 14-cv-4532-JLL-JAD (D.N.J.)

Dear Magistrate Dickson:

Plaintiffs Norma Oliver and Matt Toms (“Plaintiffs”), along with Defendant Funai Corporation, Inc. (“Defendant” and collectively, the “Parties”) write to jointly request (i) an extension of the April 8, 2016 Phase One discovery cutoff and (ii) a postponement of the April 27, 2016 telephonic status conference that were previously set in Your Honor’s February 5, 2016 Pretrial Scheduling Order (the “Order”). (Dkt. 106.)

In the Parties’ Joint Proposed Discovery Plan, the Parties recommended that discovery in this case be conducted in phases so that the Parties could exchange information that would allow them to determine whether resolution of this case was possible prior to engaging in full class and merits discovery. (Dkt. 105.) Specifically, in their Discovery Plan, Plaintiff agreed to limit their initial discovery requests to information that would allow them to determine (i) the total number of televisions sold (or shipped) to consumers by Defendant and (ii) the number of televisions returned more than ninety (90) days after purchase as a result of an alleged power supply board defect. Similarly, Defendant agreed to limit its discovery to information geared towards determining whether Plaintiffs were adequate to represent any potential settlement class.

Based on that suggestion and the Parties’ subsequent discussions during the Rule 16(f) Scheduling Conference, on February 5, 2016, Your Honor entered an Order permitting the Parties to engage in the requested Phase One Discovery until April 8, 2016 and further stating that no discovery was to be issued or engaged in beyond that date. (Dkt. 105.) Additionally, the Court scheduled a telephonic status

conference for April 27, 2016 at 10:00 am EST, so the Parties could inform the court of the status of discovery and their settlement efforts. (*Id.*)

Shortly thereafter, the Parties scheduled a mediation date with The Honorable Wayne R. Andersen (ret.) of JAMS, which is set to occur on May 18, 2016 in Chicago. Additionally, consistent with the Scheduling Order, the Parties exchanged discovery requests, to which the Parties are in the process of responding.

Given that—and because the Parties believe that they may desire to exchange additional information related to the upcoming mediation—the Parties respectfully request that the Court extend the Phase One discovery cutoff until May 17, 2016. Additionally, in order to conserve judicial resources, the Parties respectfully request that the Court postpone the April 27th telephonic status conference until the week following the May 17th mediation, at which point, the Parties believe they will be in a better position to inform the Court of the status of their negotiations and how they would like to proceed with the case. Alternatively, should the Court not wish to postpone the April 27th telephone status, the Parties respectfully request that the Court schedule the call to occur in the afternoon of April 27th as counsel for Defendant has a conflict in the morning.

Should your Honor require any additional information from the Parties, please do not hesitate to contact us. Thank you for your time and attention in this matter.

Respectfully submitted,

/s/ Eve-Lynn J. Rapp
Attorney for Plaintiffs

Respectfully submitted,

/s/ John P. Lavelle Jr.
Attorney for Funai Corporation, Inc.